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MISS CRANDALL'S SECOND TRIAL.

The Unionist of Oct. 10, gives an account of this interesting trial.

'Last Thursday Miss Crandall was brought before the Superior Court sitting in this place, (Judge Daggett on the bench,) upon an information similar to that on which she was tried at the last session of the County Court. She had been bound over to answer to two complaints, one for teaching, and the other for boarding colored persons from other states, but was tried on the former only. A. T. Judson, Esq. and C. F. Cleaveland the State's Attorney conducted the prosecution; Henry Strong Esq. and Hon. Calvin Goddard, the defence. The plea as on the former trial was NOT GUILTY. Several witnesses were examined, the facts necessary to conviction were proved, and nothing remained but to establish the constitutionality of the law.

Mr. Judson opened the case for the prosecution, and pursued much the same train of argument as on the former trial, except that in addition to the points then made, he contended that the clause in the constitution which was made the ground of the defence, was intended as a rule of action to the general government only, and not to the state Legislatures. He was followed by Mr. Strong, who, in a powerful, logical and conclusive argument, clearly exhibited the unconstitutionality of the law, showing that the Constitution *was* made to control the action of the state Legislatures; that it was intended to secure to all citizens of the United States, the enjoyment of such privileges and immunities as are fundamental; that the privilege of obtaining an education is fundamental; and that free blacks are citizens, and of course entitled, though citizens of other states, to the same privileges as our own colored population, and among others to that of acquiring knowledge here. Mr. Goddard closed for the defence, briefly but eloquently, and the State's Attorney having concluded on the part of the prosecution, the judge rose and saying a few words respecting the importance of the question, and his inability to do it justice, declined giving his charge till the next morning.

On Friday morning, as soon as the court was opened, every seat was occupied, and many persons stood, unable to obtain seats, all listening with profound attention to the charge. It occupied, as nearly as we could estimate, about an hour, and, as will be seen by the outline given below, was decidedly in favor of the constitutionality of the law.'

The Unionist then gives a sketch of Judge Daggett's charge. But as the Windham County Advertiser presents a more full account of it, apparently revised by the Judge, we copy the report of it from that paper, or rather from another paper in which it is credited to the Advertiser.

'This is an information filed by the Attorney for the State, for the alleged violation of a statute law, passed by the General Assembly, at their last session, relating to inhabitants; the preamble to the act, embracing the reasons for the law. It reads thus:

'Whereas attempts have been made to establish literary institutions in this State, for the instruction of colored persons belonging to other States and countries, which would tend to the great increase of the colored population of the State, and thereby to the injury of the people; Therefore it is enacted that no person shall set up or establish, in this State, any school, academy, or literary institution, for the instruction or education of colored persons who are not inhabitants of this State, nor instruct or teach in any school, academy, or literary institution, or harbor or board, for the purpose of attending or being taught or instructed in any such school, any colored person not an inhabitant of any town in this State, without the consent, in writing, first obtained of a majority of the civil authority and select men of the town where such school is situated, on penalty,' &c.

It is alleged in this information, that since the 22d day of August last, to wit, on the 24th day of September, 1833, the defendant has wilfully and knowingly, harbored and boarded colored persons not inhabitants of the State for the purpose mentioned in said act, without having obtained in writing, the consent of the civil authority and select men of the town of Canterbury, where the school has been set up. As to the facts in this case, there seems to be but little controversy. It has scarcely been denied, that colored persons have been harbored and boarded by the defendant for the objects alleged, within the time set forth in this information. You, Gentlemen of the Jury,

have heard the evidence, and as it is your exclusive business to pass upon these facts, you will say whether or not they are true.

If these facts are not proved to your satisfaction, then you may dismiss the case, for in that event you have no further duty to perform. If, however, you find the *facts* true, then another duty, equally important, devolves upon the jury. It is an undeniable proposition, that the jury are judges of both law and fact, in all cases of this nature. It is, however, equally true, that the court is to state its opinion to the jury, upon all questions of law, arising in the trial of a criminal cause, and to submit to their consideration, both law and fact, without any direction how to find their verdict.

The counsel for the defendant have rested her defence upon a provision of the constitution of the United States, claiming that the statute law of this State, upon which this information is founded, is inconsistent with that provision, and therefore void. This is the great question involved in this case, and it is about to be submitted to your consideration.

It is admitted that there are no provisions in the constitution of this State which conflict with this act. It may be remarked here that the constitution of the United States is above all other law,—it is emphatically the supreme law of the land, and the Judges are so to declare it. From the highest court to the lowest, even that of a justice of the peace, all laws, whether made by Congress or State Legislatures, are subject to examination, and when brought to the test of the constitution, may be declared utterly void. But in order to do this, the court should first find the law contrary, and plainly contrary to the constitution. Although this may be done, and done too by the humblest court, yet it never should be done but upon a full conviction that the law in question is unconstitutional.

Many things said upon this trial, may be laid out of the case. The consideration of Slavery, with all its evils and degrading consequences, may be dismissed, with the consideration that it is a degrading evil. The benefits, blessings and advantages of instruction and education, may also cease to claim your attention, except you may well consider that education is a 'fundamental privilege,' for this is the basis of all free governments.

Having read this law, the question comes to us with peculiar force, does it clearly violate the Constitution of the United States?—The section claimed to have been violated, reads as follows, to wit: 'Art. 4—Sec. 2.—The citizens of each State, shall be entitled to all privileges and immunities of citizens in the several States.' It has been urged that this section was made to direct, exclusively, the action of the General Government, and therefore can never be applied to State laws. This is not the opinion of the court. The plain and obvious meaning of this provision, is, to secure to the *citizens* of all the States, the same privileges as are secured to our own, by our own State laws. Should a citizen of Connecticut purchase a farm in Massachusetts, and the Legislature of Massachusetts tax the owner of that farm, four times as much as they would tax a citizen of Massachusetts, because the one resided in Connecticut and the other in Massachusetts; or should a law be passed by either of those States, that no citizen of the other, should reside or trade in that other, this would undoubtedly be an unconstitutional law, and should be so declared.

The 2d section was provided as a substitute for the 4th article of the *Confederation.* That article has also been read, and by comparing them, you can perceive the object intended by the substitute.

The act in question, provides that colored persons who are not inhabitants of this State, shall not be harbored and boarded, for the purposes therein mentioned, within this State, without the consent of the civil authority and selectmen of the town. We are then brought to the great question, are they *citizens* within the provisions of this section of the Constitution? The law extends to all persons of color not inhabitants of this State, whether they live in the State of New-York, or in the West Indies, or any other foreign country.

In deciding this question, I am very happy that my opinion can be revised by the Supreme Court of this State, and of the United States, should you return a verdict against the defendant.

The persons contemplated in this act are *not citizens* within the obvious meaning of that section of the Constitution of the United States, which I have just read. Let me begin by putting this plain question: Are *slaves* citizens? At the adoption of the Constitution of the United States, every State was a slave state. Massachusetts had begun the work of emancipation within her own borders. And Connecticut, as early as 1784, had also enacted laws making all those free at the age of 25, who might be born within the state, after that time. We all know that slavery is recognized in the Constitution, and it is the duty of this court to take that Constitution as it is, for we have sworn to support it. Although the term 'slavery' cannot be found written out in the Constitution, yet no one can mistake the object of the 3d sec. of the 4th article:—'No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.'

The 2d section of the 1st article, reads as follows:—'Representatives and direct taxes shall be apportioned among the several states which may be included in this Union, accord-

ing to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of *all other persons.*' The 'other persons' are slaves, and they became the basis of representation, by adding them to the white population in that proportion. Then slaves were not considered citizens by the framers of the Constitution.

A *citizen* means a *freeman.* By referring to Dr. Webster, one of the most learned men of this or any other country, we have the following definition of the term—'Citizen: 1st, a native of a city, or an inhabitant who enjoys the freedom and privileges of the city in which he resides. 2. A townsman, a man of trade, not a gentleman. 3. An inhabitant; a dweller in any city, town or country. 4. In the United States, it means a person native or naturalized, who has the privilege of exercising the elective franchise, and of purchasing and holding real estate.'

Are Indians citizens? It is admitted in the argument that they are not, but it is said they belong to distinct tribes. This cannot be true, because all Indians do not belong to a tribe. It may be now added, that by the declared law of New-York, Indians are not citizens, and the learned Chancellor Kent says, 'they never can be made citizens.' Indians were literally natives of our soil,—they were born here, and yet they are not citizens.

The Mohegans were once a mighty tribe, powerful and valiant; and who among us ever saw one of them performing military duty, or exercising, with the white men, the privilege of the elective franchise, or holding an office? And what is the reason? I answer, they are not citizens, according to the acceptation of the term in the United States.

Are *free blacks*, citizens? It has been ingeniously said, that vessels may be owned and navigated by free blacks, and the American flag will protect them; but you will remember that the statute which makes that provision, is an act of Congress, and not the Constitution. Admit, if you please, that Mr. Cuffee, a respectable merchant, has owned vessels, and sailed them under the American flag, yet this does not prove him to be such a citizen as the Constitution contemplates. But that question stands undecided by any legal tribunal within my knowlege. For the purposes of this case, it may not be necessary to determine that question.

It has been also urged, that as colored persons may commit treason, they must be considered citizens. Every person born in the United States, as well as every person who may reside here, owes allegiance of some sort to the government, because the government affords him protection. Treason against this government, consists in levying war against the government of the United States, or aiding its enemy in time of war. Treason may be committed by persons who are not entitled to the elective franchise. For if they reside under the protection of the government, it would be treason to levy war against that government, as much as if they were citizens.

I think Chancellor Kent, whose authority it gives me pleasure to quote, determines this question by fair implication. Had this author considered free blacks citizens, he had an ample opportunity to say so. But what he has said, excludes that idea.

Kent's Commentaries, vol. 2d, p. 258—'In most of the United States, there is a distinction in respect to political privileges, between free white persons and free colored persons of African blood; and in no part of the country do the latter, in point of fact, participate equally with the whites, in the exercise of civil and political rights. The African race are essentially a degraded caste, of inferior rank and condition in society. Marriages are forbidden between them and whites in some of the States, and when not absolutely contrary to law, they are revolting, and regarded as an offence against public decorum. By the revised Statutes of Illinois, published in 1829, marriages between whites and negroes or mulattoes, are declared void, and the persons so married are liable to be whipped, fined and imprisoned. By an old Statute of Massachusetts, of 1705, such marriages were declared void, and are so still. A similar statute provision exists in Virginia and North Carolina. Such connexions in France and Germany constitute the degraded state of concubinage, which is known in the civil law. But they are not legal marriages, because the parties want that equality of state or condition, which is essential to the contract.'

I go further back still. When the Constitution of the United States was adopted, every State (Massachusetts excepted) tolerated slavery. And in some of the States, down to a late period, severe laws have been kept in force regarding slaves. With respect to N. York, at that time her laws and penalties were severe indeed, and it was not until July 4th, 1827, that this great state was ranked among the free states.

To my mind, it would be a perversion of terms, and the well known rule of construction, to say that slaves, free blacks, or Indians, were citizens, within the meaning of that term, as used in the Constitution. God forbid that I should add to the degradation of this race of men, but I am bound by my duty to say, they are not citizens.

I have thus shown you that this law is not contrary to the second section of the fourth article of the Constitution of the U. States, for that embraces only citizens.

But there is still another consideration: if they were citizens, I am not sure this law would then be unconstitutional. The Legis-

lature may regulate schools. I am free to say, that education is a fundamental privilege; but this law does not prohibit schools. It places them under the care of the civil authority and selectmen, and why is not this a very suitable regulation? I am not sure but the Legislature might make a law like this, extending to the white inhabitants of other states, who are unquestionably citizens, placing all schools for them under suitable boards of examination, for the public good, and I can see no objection to the board created by this act.

What can the Legislature of this State do? It can make any law, which any legislature can make, unless it shall violate the Constitution of the United States or the Constitution of its own State, and in my opinion *this* law is not inconsistent with either.

The jury have nothing to do with the popularity or unpopularity of this or any other law, which may come before them for adjudication. They have nothing to do with its policy or impolicy. Your only inquiry is, whether it is constitutional.

I may say with truth, that there is no disposition in the judicial tribunals of this State, nor among the people, to nullify the laws of the State; but if constitutional, to submit to them, and carry them into full effect, as good citizens. If individuals do not like the laws enacted by one legislature, their remedy is at the ballot boxes. It often occurs, on subjects of taxation, that laws are supposed by some to be unjust and oppressive. Nearly every session of the Assembly, attempts have been made to alter and change such laws, but as long as they exist, they must have effect.

You will now take this case into your consideration, and notwithstanding my opinion of the law, you will return your verdict according to law and evidence. I have done my duty, and you will do yours.'

The Jury, after an absence of twenty or thirty minutes returned a verdict of guilty. A bill of exceptions, as the Unionist informs us, was filed by the defendant's counsel, and the case will be brought before the Supreme Court of Errors, which sits in Brooklyn next July.

We have presented the charge of Judge Daggett at length, on account of the great importance of the questions which it discusses. If he be right, more than three hundred thousand native Americans are by this decision disfranchised, deprived of rights which have hitherto never been disputed in courts of justice, and made strangers and aliens in the land of their birth.

We have read this extraordinary opinion with astonishment and horror. It is not strange, perhaps, that prejudice should blind ignorant and thoughtless men to the rights of their fellow-citizens, or should obtain access to the halls of legislation. But it is strange and alarming when prejudice enters our courts, boldly usurps the judicial seat, and throws the sword into the scales of justice.

We would not be understood as making the slightest imputation upon the purity of the motives of the learned judge. But it is melancholy to find a person of his distinguished legal science and ability, so misled by popular feeling as to lose sight of the great landmarks of law and justice.

In commenting upon his opinion, we shall not attempt to follow the course of his argument, but consider the questions which it presents in what seems to us the most convenient order, answering, as occasion offers, such of his reasonings as seem to require remark.

We shall consider 1. What persons are native citizens of the United States and of a State: 2. Whether free colored persons born in any one of the States are citizens, within the meaning of the clause of the constitution which gives to the citizens of each State, the privileges and immunities of citizens in the several States: and 3. Whether the law of Connecticut violates the constitution of the United States.*

1. *What persons are native citizens of the United States, and of a State?*

The meaning of the word citizen in this connexion is a pure question of law, to be decided by an appeal to legal authority, not to the loose definitions of lexicographers. It seems, therefore, strange that Judge Daggett should have cited Dr. Webster, since his first three definitions, exhibiting three senses in which the word is used, have obviously no bearing on the question, and his last is manifestly incorrect. Dr. Webster makes holding the elective franchise, and purchasing and holding real estate, the criterion of citizenship in this country. But far more than half of the persons who are unquestionably citizens, including all women and minors, have not the elective franchise. These two classes are excluded in all the States; and in some of them citizens who do not pay taxes, to mention no

* We shall in our observations make free use of some able remarks upon the charge which appeared in two articles in the Unionist of October 10; and of a communication from the Hon. Wm. Jay to Rev. S. J. May, in the same paper.

other circumstances which exclude, do not enjoy the right of suffrage.

The other criterion of citizenship introduced by Dr. Webster, viz. the privilege, &c. is equally unsound, since in several of the States, for instance Louisiana and Ohio, aliens can purchase, hold, and inherit real estate as well as citizens.

A citizen is a member of a political community, to which he owes fidelity or allegiance, and from which he is entitled to protection. Every political body which is formed has of course the right of saying what persons shall be members of the body. The criterion of citizenship of course varies in different ages and countries. Thus, at first none but inhabitants of Rome and a small territory around it, were Roman citizens. Afterwards the privileges of citizenship were gradually extended to various cities and nations, till at last they were granted to the inhabitants of the whole Roman world.

In order to decide who are now citizens of the United States, we must go back to our revolution. When that convulsion separated these States from the mother country, the question, who were citizens, depended upon the common law of England, which was the law of all the States: and now the question, who are citizens, must be decided by the principles of the same law, except where it has been altered by our constitutions or laws.

'The first and most obvious division of the people,' we borrow the words of Blackstone, 'is into aliens and natural born subjects. Natural born subjects are such as are born within the dominions of the crown of England; that is, within the ligeance, or, as it is generally called, the allegiance of the king: and aliens, such as are born out of it. Allegiance is the tie or *ligamen*, which binds the subject to the king, in return for that protection which the king affords the subject.' 1 Bl. Comm. 366.

The common law divides all persons into two classes, aliens and subjects. It recognizes no third class. Every man who is not a subject is an alien. 'Every man is either *alienigence*, an alien born, or a *subditus*, a subject born.' Calvin's case, 7 Co. 17 a. We might readily multiply authorities upon this subject, but the principles of the common law are so well settled, that it seems to us unnecessary.

At the time of the revolution, all the inhabitants of the United States who were subjects of the king of England, who adhered to the United States, and continued to reside in this country, became citizens of the new States. This result of the separation of the two countries is so obvious, that it needs no authority to support it.

If there could be any doubt upon this point it was settled, in some cases at least, by express legislation. One of the earliest statutes passed by Massachusetts declares 'That all persons abiding within this State, and deriving protection from the laws of the same, owe allegiance to this State, and are members thereof,' that is, citizens, for the very next clause goes on to speak of the allegiance due from persons visiting and making a temporary stay in the State. St. 1777, s. 1. 2 Mass. Law Ed. 1801, p. 1046.

A resolution of a committee of the State of New-York, passed July 16, 1776, contains a similar declaration in almost precisely the same words.

A similar statute was passed in New-Jersey, Oct. 4, 1776.

According to the law of Massachusetts, it does not seem to be necessary that a person, in order to become a member of the State, should have been a subject of the British crown.

From the close of the revolutionary war to the time of the adoption of the constitution of the U. S. all persons born in this country became citizens of the respective States within whose jurisdiction they were born, by the rule of the common law, unless where they were prevented from becoming citizens by the constitution or statutes of the place of their birth. We are not aware of any law having ever been enacted, to deprive any native citizens of their birthright.

When the constitution of the United States was formed, all persons then citizens of the several States became citizens of the United States. Since that period, all persons born within the territorial limits and under the jurisdiction of the United States, became citizens of the United States, unless some law or constitution prevented them from becoming so. Persons born in the States became also, from their birth, citizens of their respective native States, with a similar exception. This is the clear result of the common law principle. The double citizenship which the citizens of each State thus acquire, arises from our peculiar institutions, which place the inhabitants of the country under two governments.

This is the view taken of the subject by Mr. Rawle, a distinguished commentator on the constitution. He says, 'The citizens of each State constituted the citizens of the United States, when the constitution was adopted. The rights which appertained to them as citizens of those respective commonwealths, accompanied them in the formation of the great compound commonwealth which ensued. They became citizens of the latter, without ceasing to be citizens of the former, and he who was subsequently born a citizen of a State, became at the moment of his birth a citizen of the United States. Therefore every person born within the United States, its territories, or districts, whether the parents are citizens or aliens, is a natural born citizen in the sense of the constitution, and entitled to all the rights and privileges appertaining to that capacity.'—Rawle on the Constitution, 86.

It is observable that Mr. Rawle makes no exception to his statement, that every person born within the United States is a citizen.

Many questions indeed have been discussed on the subject of allegiance, citizenship, and naturalization, both in this country and in England, such as whether a person born in Scotland, after the descent of the English crown to the King of Scotland, was an alien, and thus incapable of inheriting land in England; and whether a subject can expatriate himself, that is, throw off his allegiance to his native country. But in all these questions it is assumed as a settled, indisputable principle, that a man is a subject or citizen in the country of his birth. This is uniformly taken for granted, and never discussed, because never disputed.

One of our most distinguished judges says, "Nothing is better settled at the common law than the doctrine that the children even of aliens born in a country, while the parents are resident there under the protection of the government, and owing a temporary allegiance thereto, are subjects by birth.' Inglis v. Trustees of Sailors Snug Harbor, 3 Pet. 164, by Story.

It possibly may be contended that the common law principles in regard to subjects, do not apply to citizens. But this position is untenable, as will be obvious from the following considerations.

The word *citizen* expresses precisely the same relation to the State which *subject* does to the king. Indeed for a considerable period after the revolution, the word *subject* was used as synonimous with *citizen*. Thus in the declaration of rights in the constitution of Massachusetts, the word *subject* is several times introduced, where we should now use citizen. So in Mass. St. 1784, c. 72, s. 10, a punishment is enacted for kidnapping 'any subject of this Commonwealth, or other person lawfully residing and inhabiting therein.' In this passage the word *subject* can have no other meaning than that of *citizen*.

Neither the constitution nor statutes of the United States, nor, as far as we are aware, do the constitution or laws of any State define what persons born within the country are native citizens. If therefore we cannot resort to the common law, we are left without any guide on the subject. The right of the great mass of white persons born in this country to be considered citizens, rests on the common law principles in regard to subjects.

The common law principles are evidently considered the foundation of our law of citizenship, in our constitutions and statutes, in the discussions of counsel, the decisions of our courts, and the treatises of jurists.

Our conclusion is, that all persons born within the jurisdiction of the United States are native citizens, excepting those persons, if there be any such, as the constitution or laws deprive of that privilege; and that all persons born within the jurisdiction of any one of the States, are citizens thereof, with a similar exception.

We have perhaps taken up too much time in proving this plain and familiar position. But where elementary principles are doubted, where violent attempts are made to uproot the foundations and land marks of law,—a little effort to establish them is pardonable.

2. We next come to the question, *whether free persons of color born in one of the States are citizens of that State, within the meaning of the constitution.*

Having already shown that, according to the principles of the common law, all persons born within the jurisdiction of any State are citizens of it, and further, that distinguished jurists and judges lay down the rule without making an exception of colored persons, we have already established the position, that free colored persons born in any of the States, are citizens in the States of their birth. Those who deny it then, are bound to show that the free colored persons, born in this country,

come within some known exception to the general rule. We shall, therefore, consider some of the arguments of those who deny that colored persons are citizens, before adducing any further evidence in support of the affirmative of the proposition.

We understand Judge Daggett's argument to be as follows, namely, that when the Constitution provided that the citizens of each State should be entitled to the privileges and immunities of citizens in the several States, it did not contemplate as citizens those degraded castes of men, who were not regarded in the States, on an equal footing with other native inhabitants. Thus slaves and Indians are not citizens within the meaning of the constitution, neither are free people of color.

The construction which Judge Daggett attempts to give to the clause of the constitution, is harsh and strained. The word citizens has a precise, definite, and technical meaning in the place in which it stands, instead of which Judge Daggett would give it a loose, indefinite, and uncertain one. The clause evidently was intended to prevent those persons who enjoyed the rights of citizenship in one State, from being considered aliens in another. Judge Daggett, instead of giving the benefit of this liberal provision to all who come within its meaning, would contend that a certain class, whom he seems to admit are really citizens, ought to be deprived of its benefit, because they are sometimes not called citizens. Nothing, however, can be more obvious, than that the inaccurate use of a word in common conversation or popular declamation, is no test of its legal signification. This can only be determined by the strict rules of law.

Judge Daggett appears to view degraded castes as not citizens. But whence does he derive this opinion? Not from the common law. For in England, all classes of persons, from the nobility down to the villeins or slaves, were subjects. Co. Lit, 127 a. Our constitutions and statutes contain no enactments on the subject.

Judge Daggett says, that the Indians are not citizens. This may be admitted. This, however, is not because they are a degraded caste, but because they have not become a part of our political communities, having continued, though within our territorial limits, as distinct tribes, governed by their own laws. 3 Kent's Comm. 185. If any Indians should voluntarily become a part of our political communities, should settle among the whites, and submit to our laws, we know of no principle on which the right of citizenship could be denied to their children.

But Judge Daggett says, that slaves are not citizens. Unfortunate as their condition certainly is, we feel some doubt whether this proposition be correct. According to the principles of the common law, a villein or slave was a subject. By the same principle, a negro slave here would be a citizen. In Great Britain, the slaves in the West Indies are frequently spoken of as British subjects. Their right to the title, we have never seen questioned. Do not slaves owe allegiance or fidelity to the government under which they are born? Are they not in return entitled to its protection? Suppose a native slave from South Carolina should go to a foreign country, and there join an invading army, could he not be punished for treason, if taken in arms against the United States? A stranger who had merely had a temporary residence here, would be guilty of no crime under such circumstances. The correlative of *slave* is not *citizen*, but *freeman*. The correlative of *citizen* is not *slave*, but *alien*. It is not necessary for us to pronounce whether a slave be a citizen or not. It is certainly a point which admits of debate.

It seems from the constitutions of some of the Southern States, that they consider it questionable whether slaves are not citizens. Thus, several of these constitutions give the right of suffrage to the '*free* white male citizens,' of the age of twenty-one years. This distinctly implies, that there may be citizens who are not free. If the word citizen implied freedom, to say '*free citizens*' would be a mere tautology.

But perhaps we have given the point more attention than it merits, for the condition of the slaves would be little improved by decorating them with the name of citizens. To the free people of color, however, citizenship is of real value.

Let it be admitted then, that slaves are not citizens. Why are they not? Because they are not free, because they are slaves. Their disability arises from their servile condition. According to Judge Daggett's own statement, a citizen means a freeman. Then why are not the blacks and their descendants, who have ceased to be slaves and become freemen, citizens? The servitude which created their dis-

ability having ended, why should they not enjoy the privileges of freemen?

As we have already said, no class of men is excluded by the common law from citizenship. The mere circumstance then, of the free people of color being regarded as a degraded caste, does not, according to that law, deprive them of this privilege.

How then are they to be deprived of their birthright,—of that citizenship which the common law confers on them, with the first breath they draw? Not by implication surely—not by strained construction,—but by express enactment. Statutes may provide that they shall not carry the mail, that they shall not exercise the privilege of voting, that they shall not serve in the militia, that they shall not intermarry with the whites. These laws are direct and express, and must be submitted to. But these laws do not deprive them of citizenship. Cruel as their country has been to them, she has not yet spurned them from her bosom, she has not yet declared them aliens on their native soil.

If the free native colored man cannot be deprived of any one of the smallest privileges of citizenship, except by express enactment, surely he cannot be robbed of the whole of these privileges without some direct provision of law.

But Judge Daggett cites one authority, Chancellor Kent, to show that free colored people cannot be citizens. The passage cited, however, is very far from proving such to be Chancellor Kent's opinion. It merely states indisputable facts, in regard to the severity of our laws and opinions against the free blacks. If, however, any one might be led to conjecture, from the passage in question, that Chancellor Kent did not consider the free blacks as citizens, the impression would be corrected by referring to another passage in his commentaries, where his opinion is declared in a manner too clear to admit of doubt. 'The article in the Constitution of the U. States, declaring that citizens of each State were entitled to all the privileges and immunities of citizens in the several States, applies only to natural born or duly naturalized citizens, and if they remove from one State to another, they are entitled to the privileges that persons of the same description are entitled to in the State to which the removal is made, and to none other. If, therefore, for instance, free persons of color are not entitled to vote in Carolina; free persons of color emigrating there from a northern State, would not be entitled to vote.' 2 Kent's Comm. 71.

If the decision of the question whether free people of color are citizens, is to be made on the authority of Chancellor Kent, it is distinctly settled in this passage in the affirmative. The passage is much stronger, than if he had announced their citizenship as a separate proposition. But he takes it for granted, in illustrating the proposition laid down in the last clause of his first sentence. He assumes it as a principle which did not admit of any dispute. If he had regarded their citizenship as in any degree a matter of doubt or controversy, he would of course have selected a different illustration.

But direct and conclusive authorities are not wanting to show the citizenship of free colored persons. We have them in such abundance that our only difficulty is how to select from them.

Although Dr. Webster's position is false, that no persons are citizens but those who exercise the elective franchise, still this privilege is one which is usually considered as appertaining to citizens only. Now, in point of fact, it is not disputed that free blacks in some of the States have the right to vote, and exercise it without question. This is the case in Pennsylvania, Massachusetts, and Maine. In some of the other States also the people of color seem to be included in the general terms of their constitutions. In New-York the constitution expressly speaks of the people of color as citizens, and requires them to possess a freehold estate of the value of two hundred and fifty dollars, in order to entitle them to vote.

The provision of the constitution of New-York is important. It is not simply the expression of an opinion by the convention which prepared the constitution, highly respectable as it was, but it is an enactment of the people of the State of New-York in the most solemn manner, upon a point where they were competent to decide, that free people of color are citizens. It of course puts the question at rest in regard to native colored persons inhabiting New-York. They are citizens of that State, and of course entitled to the privileges of citizens in all the States.

The debates in the New-York convention show that the right of suffrage was not conceded to the people of color without debate.

The subject was discussed. The speeches of Peter A. Jay, Chancellor Kent, Rufus King, and Abraham Van Vechten in the convention, declare distinctly and explicitly that they considered free colored people citizens.

In many of the States, and we presume in all, free colored persons purchase and inherit real property without question. This is the case in some of the States, Massachusetts for instance, where the old rule of the common law disability of aliens in regard to real property still continues. It is evident, therefore, that, in those parts of the country at least, free people of color are not regarded as aliens; for there can be no question, considering the prejudices which exist against this class of persons, that efforts would have been made to deprive them of their lands, if it had been supposed there was any pretence for it. If native free colored persons are not aliens, we contend that they are citizens, for the law recognizes no third class of persons.

Suppose we should admit Dr. Webster's last definition of citizen to be correct; it clearly appears that many colored persons in the United States are citizens, for many of them exercise the elective franchise, and purchase, hold, and inherit real property.

Judge Daggett seems to admit that a vessel owned and commanded by a native colored person is entitled to the privileges of an American ship, under the statute of the United States which requires it in order to be so considered to be wholly owned and commanded 'by a citizen or citizens' of the United States. Yet he says that though free blacks might be citizens within the meaning of the act of Congress, they are not citizens within the meaning of the Constitution. It strikes us, however, that by this concession he leaves himself no ground to stand upon. It is obvious upon reading the statute and the Constitution, that the word citizens is used in both cases in a precise, legal, technical sense, for the very purpose of defining a certain class of persons who were to be entitled to certain privileges in this country. If Judge Daggett concedes that the word is used in this sense in the statute, can he give any reason for supposing it used in a different sense in the Constitution?

But the question, whether free people of color are citizens within the meaning of the Constitution, has received a direct decision on an occasion of great interest. A statute of the United States, passed March 6, 1820, authorized the inhabitants of the territory now embraced within the State of Missouri, to form a constitution and State government, and provided that the State when formed should be admitted into the Union, upon an equal footing with the original States. The statute also provided that an attested copy of the constitution formed by Missouri should be transmitted to Congress, as soon as might be after its formation. A State constitution was accordingly adopted by a convention in Missouri, in July, 1820. The fourth clause of the twenty-sixth section of the third article of this constitution, makes it the duty of the General Assembly, among other things, 'to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatever.' This constitution was brought before Congress at its next session. The clause in question gave rise to considerable debate, which resulted in the passage of a resolution on March 2, 1821, that Missouri should be admitted into the Union, 'upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the States in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: Provided that the legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete.'

This resolution of Congress is a deliberate and solemn declaration of that body, which then embraced distinguished lawyers and statesmen from all parts of our country, that there were free negroes and mulattoes in the United States who were citizens, and as such entitled to the protection of the Constitution.

Our conclusion is, that all free people of color born in any State, are citizens of that State.

3. We come now to the third question, *whether the statute of Connecticut be a violation of the clause of the Constitution, which gives the citizens of each State the privileges and immunities of citizens of the several States.*

We contend that it was a violation of the Constitution in its application to the colored citizens of other States.

The object of the clause in question is obvious. 'It was,' in the words of Judge Story, 'to confer on them, [the citizens of each State] if one may so say, a general citizenship; and to communicate all the privileges and immunities, which the citizens of the same State would be entitled to under the like circumstances.' 3 Story's Comm. 675.

A colored citizen of New-York or Massachusetts, therefore, going into Connecticut, becomes entitled to all the privileges and immunities of citizens of Connecticut. Undoubtedly the State of Connecticut might, in its wisdom, make it a penal offence, to set up any school or academy in the State. But a law making it a penal offence to set up a school for the instruction of citizens of other States, while it is no offence to set up a similar establishment for citizens of the State, is manifestly unconstitutional. It is depriving citizens of other States of privileges enjoyed by the citizens of Connecticut.

We might have added many authorities, arguments and illustrations to those we have adduced. But we have not thought it necessary, as what we have said, seems to us entirely sufficient to establish our conclusions.

Some of our readers, on the other hand, may think we have devoted too much space to discussing a question of law. But we again beg them to recollect that the rights of three hundred thousand of their countrymen are directly involved in the decision of this question; and indirectly those of more than two millions. The law is the only power to which the weak and helpless can appeal from the decrees of prejudice and oppression.

All good men of every party should cry out against the statute of Connecticut, not merely as a violation of the Constiution of our country, but as a violation of the spirit of our free institutions, and the common rights of humanity. The people of a free and enlightened State have solemnly enacted, that a few children, whose complexion is different from their own, shall not come within their territory to be educated, and that persons who shall harbor these young offenders, thus guilty of the enormous crime of endeavoring to be instructed, shall themselves be punished as criminals. This is the statute. We can offer no comment upon it, that could excite deeper indignation in every freeman,—in every Christian —in every man who owns the soul or spirit of a man—than the bare statement of its abominable provisions.

RIOT IN NEW-YORK.

We noticed in our last, the formation of a City Anti-Slavery Society in New-York, but had not room to mention the riotous proceedings to which the call of the meeting for forming the Society gave occasion. The New-York Evangelist of Oct. 5, gives the following account of these proceedings.

'The public are aware of a notice in the papers, inviting 'those friendly to the immediate abolition of slavery in the United States, to meet at Clinton Hall, on Wednesday Oct. 2, at half past 7 P. M. to form a New-York City Anti-Slavery Society.' The Hall had been previously engaged with the written consent of the committee of the trustees. It was the reasonable expectation of the calling committee that those who were embraced in the terms of the call would assemble and deliberate upon the several points requisite to the formation of the proposed Society: and that if any others should attend, they would appear as spectators, and conduct themselves accordingly. But from the time the notice was given, some of the daily papers were publishing violent denunciations of those engaged. On the morning of the day appointed for the meeting, the trustees of Clinton Hall, against the earnest remonstrance of the committee to what they deemed an arbitrary proceeding, peremptorily prohibited the meeting from being held at the Hall. The Courier and Enquirer, and the Gazette, of the morning, called earnestly upon the citizens who were opposed to the object of the meeting, to give a general attendance and put it down, once for all. The Commercial Advertiser of the afternoon, although editorially disapproving of all interference with those who called the meeting, yet published a communication, calling loudly upon the citizens not to remain quiet. The streets also were in the afternoon adorned with the following placard, printed in large and flaring capitals:

NOTICE.—To all persons from the South. —All persons interested in the subject of a meeting called by J. Leavitt, W. Green, Jr. W. Goodell, J. Rankin, and Lewis Tappan, at

Clinton Hall, this evening, at 7 o'clock, are requested to attend at the same hour and place.

MANY SOUTHERNERS.

New-York, Oct. 2d, 1833.

N. B. All citizens who may feel disposed to manifest the *true* feeling of the State on this subject, are requested to attend.

Under these circumstances, the calling committee met in the afternoon, and agreed that it was best to proceed in the formation of the Society at this time, as it was manifest they never could call another public meeting without encountering the same opposition. They therefore resolved to hold the meeting in Chatham-street Chapel, and invite as many friends of the cause as they could notify in so short a time.

The meeting called by the Courier & Enquirer was notified for *seven* o'clock. Long before the time appointed, the streets around Clinton Hall were crowded with people, and finding they could not have entrance into the Hall, they proceeded to Tammany Hall, where they listened to a couple of addresses, one by a gentleman of this city, Mr. F. A. Tallmadge, and another by a Mr. Neal of Portland, Me. and then adopted a series of resolutions.'

The resolutions are given in the Journal of Commerce, of Oct. 3.

Resolved, That our duty to the country, and our Southern brethren in particular, renders it improper and inexpedient to agitate a question pregnant with peril and difficulty to the common weal.

Resolved, That it is our duty as citizens and Christians to mitigate, not to increase, the evils of slavery by an unjustifiable interference in a matter which requires the will and cordial concurrence of all to modify or remove.

Resolved, That we take this opportunity to express to our Southern brethren our fixed and unalterable determination to resist every attempt that may be made to interfere with the relation in which master and slave now stand, as guaranteed to them by the Constitution of the United States.

Resolved, That the thanks of this meeting be presented to Messrs Howard & Lovejoy, for the gratuitous use of their room on this occasion.

Resolved, That these proceedings be signed by the Chairman and Secretaries, and published in all the daily papers.

The Evangelist proceeds.

'In the mean time, punctually at the hour appointed, a very respectable meeting, both for numbers and character, was opened at Chatham Chapel, and the whole business transacted deliberately and without molestation, and the meeting quietly adjourned; and the members had just begun to disperse, when a wild shout rent the air, and it was found that a furious mob had broken in and filled the avenue, and were rushing into the chapel, crying, '*Garrison, Garrison, Tappan, Tappan, where are they, find them, find them*,' &c. Mr. Garrison however, had not been at the meeting, nor was it ever contemplated that any but citizens would take a part in the proceedings; and of those who had been, some had already left the house, others quietly passed through the crowd, and the rest found refuge with a meeting of Sunday school teachers, of both sexes, who were holding their usual weekly meeting in the upper room adjoining the chapel. These were kept in not a very agreeable state of siege for the best part of an hour, until a strong party from the police arrived and dispersed the besiegers, and left the besieged at liberty to go home.

We learn from the report of the Tammany Hall meeting, in the Journal of Commerce, that in the opening of the meeting, a gentleman was about to address the meeting, when a person approached the chair and stated that the meeting which was to have been held at Clinton Hall, was at that moment being held at Chatham-street chapel. Several voices cried out, 'Let us go there and rout them.'

'*The Chairman.* Gentlemen, that is not the way for us to act. We have met here to give expression of public opinion, and the only proper way to do so is by passing resolutions. Were we to go from this to the meeting at Chatham-street chapel, we should be stigmatized as disorganizers. Let us first pass the resolutions, and then every gentleman may act as he thinks proper.'

They did pass the resolutions, and 'THEN every *gentleman*' did act, we presume, as he thought 'proper.' The result we have seen above. The Courier & Enquirer says expressly, that the crowd at the chapel were those who had just gone to the hall.

Who could have thought that the disgraceful scenes of Columbia, S. C. would so soon be attempted in New-York? In New-York, where not a slave is to be found, and where, if a man brings his slave, he becomes instantly free! SPIRIT OF SLAVERY! hast thou indeed so poisoned the heart's blood of the *whole* American nation, that even in New-York, a few, confessedly a handful of free citizens, cannot quietly meet to deliberate on means for exhibiting thy features to the world, but at the peril of their lives? Look at it, my countrymen! What a chapter have I written in the history of republican America! What a tribute to the memory of our fathers, who poured out their blood like water to establish the principle, that 'All men are created equal.'

In all the circumstances, the overruling hand of a kind Providence is remarkably visible, ordering so that all the objects of the proposed meeting were fully gained, while not a hair has been struck from the head of one of those engaged. May the same INFALLIBLE GUIDE now take the direction of the Society, that

all its proceedings may be marked with the meekness of wisdom, giving no just offence in any thing.'

The resolutions adopted at the pro-slavery meeting deserve a passing remark.

These resolutions express a most slavish and unmanly doctrine, worthy only of believers in the divine right of kings, namely, that a question ought not to be discussed, because a large part of the community will be agitated and excited by the discussion. In whatever point of view we regard the questions, 'Ought slavery to be abolished, and in what manner,' whether as subjects of morals, religion, policy, or economy, they have a deep and pressing importance to every citizen of this republic. Why then should they not be discussed? Because it will offend southern slaveholders. Where then is the liberty of the press, which is guarantied to us by the Constitution? How is light ever to be shed upon any dark subject, if to discuss it be wrong?

But it may be said, to discuss these questions tends to promote insurrection among the slaves. The abolitionists deny the fact, and say that slavery itself is the cause of the uneasiness of the slaves, and that their plans are the only ones which can ever bring quiet to the South. These are our honest opinions. May we not speak and publish them without molestation by an illegal mob? What says the Constitution of New-York. 'Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right.' If any abolitionist abuses this right, let him be punished by the law which he has transgressed. But not only the letter of our Constitutions, but the spirit of the government, and the character of our people, demand that every man should have a right to utter his opinions without fear.

The third resolution is not a little remarkable. It expresses a 'determination to resist every attempt to interfere with the relation in which master and slave now stand, as guarantied to them by the Constitution of the United States.'

It is evident from the preceding resolutions, that the *attempts* which those who passed this strange vote, mean to resist, are all discussions of the subject of slavery which express opinions different from theirs. It is also evident, that this is a threat of force, to suppress the publication of opinions, and that it is illegal force, the force of a mob.

In one point of view we are gratified by these resolutions. The party which threatens a resort to force, usually has the worst of the argument. We, therefore, cannot but think that the New-York mob which met at Tammany Hall, were satisfied that they had not reason on their side, and therefore chose to threaten force.

But we will not condescend to make any further remarks upon these resolutions. Every man who values his own right to express his opinions, ought to respect the right in others. It is a right which in a free country ought to be regarded as most sacred, for it lies at the foundation of every other. When this is gone, no other is safe.

EMANCIPATION OF HOTTENTOTS.

We extract from the Anti-Slavery Record of December last, the following account of the emancipation of *thirty thousand Hottentot bondsmen* at the Cape of Good Hope.

'In the year 1828, there existed within the colony of the Cape of Good Hope a degraded population of 30,000 souls,* distinct from the free colonists on the one hand, and from the Negro slaves on the other. They were not *slaves*, in the ordinary or colonial acceptation of the term; but they were actually held in a state of abject *bondage*, analogous to that of the Israelites in Egypt, or the Helots in Greece,—being in fact cruelly oppressed, and deprived of almost every civil and social privilege which distinguishes the state of freedom from that of slavery. These 30,000 bondmen were the Hottentots, the original inhabitants of the country.

In 1652, when the Dutch took possession of the Cape, and began to colonize it, the Hottentots are described by creditable writers as a numerous people, divided into small communities, and possessed of large herds of cattle, which supplied their principal means of subsistence. In the progress of the European colonization, however, a great change gradually took place in their condition. The Europeans (who, as is usual in such cases, had entered the country as friends, and had purchased with a few beads and trinkets the ground where the fort at Cape Town now stands, as

*In the population tables published in Mr. George Thompson's work on South Africa, and derived from authentic sources, the Hottentot population of 1823 is rated at 30,546 persons, and that of the free blacks and apprenticed Negroes at 3750. In the official census for 1830, published in the 'South African Almanack,' these two classes are stated to amount together 31,956. This latter estimate, however, is considered to be somewhat below the truth; and the Hottentot population of 1828 may therefore be fairly stated at 30,000 in round numbers.

a trading station, and a place of refreshment for their Indian fleets,) had gradually acquired possession of the extensive region now embraced by the Cape colony, including the entire country inhabited by the Hottentot race, with the exception of the arid deserts which afford a refuge to the wandering Namacqua and Bushman hordes, and which are too sterile and desolate to excite the cupidity of any class of civilized men.

But it was not the soil of their country merely of which the Hottentots were deprived in the course of these encroachments. In losing the property of the soil, they also gradually lost the privilege of occupying even the least valuable tracts of it for pasturing their flocks and herds. Their flocks and herds also passed, by degrees, entirely into the possession of the colonists. Nothing then remained of which to plunder them, save the property of their own persons; and of that, the most sacred and unalienable of all property, they were also at length virtually deprived. The laws enacted by the Dutch legislature for their protection, it is true, did not permit of their being *publicly sold*, from owner to owner, as Negro slaves are still sold (like other live stock) in the same colony; but they were collectively, as a class of men, reduced to a state of degrading, grinding, and hopeless thraldom, scarcely less intolerable than colonial slavery of the ordinary description.

Their actual condition, so late as the beginning of the year 1828, may be in some measure estimated from the following passage of the Rev. Dr. Philip's able and eloquent appeal in behalf of this long-oppressed race:—

'The Hottentots, despairing of help from every other quarter, now look to the justice and humanity of England for deliverance. And they now justly and humbly ask why they may not, like the colonists, be allowed to bring their labor to the best market?—why they should be compelled to labor for two or for four rix-dollars (equivalent to three and six shillings sterling money) per month, when they might be receiving (at least many of them) twenty and twenty-five rix-dollars per month, if permitted to dispose of themselves as a free people?—why they may not be exempted from the cruelties exercised upon them without any form of law?—why they should be arbitrarily flogged in the public prison, upon the mere *ipse dixit* of their masters?—why, on complaining of bad usage to a magistrate, they should be put in prison till their master appear to answer the accusation brought against him?—and why they should be flogged if their complaints are held to be frivolous?—why they should be liable to punishment at the mere caprice of a magistrate, and without any trial?—why they should be made responsible for the loss of their masters' property, and thereby kept in perpetual bondage, without ever receiving any wages?—why they should be treated as vagabonds, and their persons be liable to be disposed of at the pleasure of any local functionary in whose district they may reside, if they do not hire themselves to a master?—why they should be given to any master, by such an authority, without ever having been consulted on the subject?—why they should be liable to have their homes violated, their children torn from them, and from the arms of their distracted mothers, without having the smallest chance of redress?—why they should be denied, by the justice and humanity of Britain, the boon prepared for them by the Batavian government, when the Cape of Good Hope fell into the hands of the English?—and why these intolerable oppressions should continue to be imposed upon them, in direct violation of the proclamation of the colonial government, declaring that the original natives of the country, the Hottentots, must be considered and treated as a free people, who have a lawful abode in the colony; and whose persons, property, and possessions, ought for that reason to be protected, the same as other free people?'*

In April, 1828, Dr. Philip published his work entitled 'Researches in South Africa,' of which the sole object was to disclose to the British government and nation the iniquitous oppression of the Hottentot people, and the persecutions suffered by the missionaries for endeavoring to instruct and elevate them in the scale of humanity. This appeal, we rejoice to say, was as successful as it was able. In July of the same year, an Ordinance was issued by Lieutenant-General Bourke, who then administered the government of the Cape colony, by the provisions of which the whole Hottentot race within the boundaries of the colony were placed, by law, in respect to every civil and political privilege, on a footing of *perfect equality* with the white colonists. And, to render this Ordinance more secure, an Order in Council was issued by Sir George Murray, in January, 1829, confirming in every point the said colonial Ordinance, and prohibiting any governor or colonial authority whatever to alter or abrogate any of its provisions.

This important measure, accordingly, was carried into effect without any opposition in Parliament; for the masters of the Cape Helots fortunately had no representatives there. And it was moreover carried into execution, immediately and at once, without any precautionary or preparatory regulations as regards the emancipated Hottentots.

We now come to the important practical point of the case, namely, to consider the result of this sudden and total change in the

* See *Philip's Researches in South Africa*, vol. i. p. 400, *et seq.* See also Report of Commissioners of Inquiry on the Hottentot Population, ordered by the House of Commons to be printed, July 1, 1830. (No. 284.)

civil and political condition of these thirty thousand bondmen. Let us see, then, what has been the effect of this bold and important measure, 1st, as regards the colony generally; 2dly, as regards the Hottentots particularly.

On the promulgation of the emancipating Ordinance, a prodigious clamor was instantly raised throughout the Cape colony, in which all ranks and classes of the white population joined, English and Dutch, including judges and other persons high in office, the great majority of the local magistracy and public functionaries, and the possessors of landed property almost to a man. The absolute and utter ruin of the colony from this measure was loudly and confidently predicted. It was asserted that the fields would be untilled, and the flocks go untended. for want of laborers and herdsmen; and that the white inhabitants generally would be reduced to ruin from this cause, and by being plundered by marauding hordes of Hottentot banditti. For it was assumed, as a result not to be questioned, that no Hottentot would work unless compelled by coercion, and that the whole race would betake themselves to a life of idleness, vagrancy and robbery, when no longer held in servitude by compulsory laws. The *retrogression* of the race into *barbarism* (from which by the bye they had never been elevated, with the exception of those instructed at the missionary institutions) was deplored in terms of eloquent declamation; and the whole of these calamitous consequences were ascribed, in terms of no measured vituperation, by the '*patriotic*' pamphleteers and journalists of the colony,* to Dr. Philip and the missionaries at the Cape, to Mr. Buxton and the saints at home, and to that 'silly man,' Sir George Murray, who had been 'led to act upon their false and hypocritical representations'!

Such were the predictions and assertions of the South African '*patriots*.' And how have these assertions been borne out by the conduct of the emancipated Hottentot Helots? Four years and a half have now elapsed, so that there has been sufficient time to observe the effects of the measure. The poor Hottentots do not deal in pamphlets, or declaim much in newspapers; but the *facts* will speak for them; and facts in matters of this sort are rather more worthy of attention than figures of speech.

The great body of the Hottentot people still remain, just as they were formerly, servants to the white colonists; but with some essential differences in their condition. They can no longer be flogged at the mere caprice of the master, if they happen to offend him. They must now be tried and condemned on competent evidence by a magistate, and for a legal offence, before they can be punished. Their children can no longer be forcibly taken from them; and they can no longer be compelled to serve for inadequate wages, or for none. They form now, in short, a body of *free peasantry*, instead of being a degraded caste of miserable and oppressed *serfs*.

It is indeed true that, on the first promulgation of the Ordinance, a considerable number of families, finding themselves, for the first time, free men in reality, repaired to the several missionary institutions throughout the colony, generally from the natural and praiseworthy desire to obtain religious instruction for themselves or for their offspring,—or, it may be, in some cases, from the idle hope of living there in indolence for a season. But as no encouragement was given to the vicious at these Christian asylums, and as no means of subsistence exist there for the idle, the supernumerary refugees speedily discovered that their only resource from starvation was to hire themselves again (though now as *free* laborers) to the farmers.

As for the apprehensions, real or pretended, of the colonists, that the Hottentots would betake themselves generally to a life of theft and vagrancy, on being left free to follow their own course, they have proved perfectly groundless. For a few months at first, perhaps, individual cases of sheep-stealing and petty larceny may have been somewhat more frequent in some of the remote districts; though that is an allegation far from being satisfactorily made out by their eager detractors. But, if there actually was any tendency to an increase of these crimes, it is at least certain that it was speedily and effectually repressed by the ordinary courts of law, with no other aid than the ordinary police of the country.

In short, the execution of this great measure of national justice and redress, while it has *opened the door* for the progression of the Hottentot race, and has been of great immediate advantage to them in the important points above specified, has in no other respect interfered with the existing arrangements of society; nor have the colonists suffered any loss, or even inconvenience, from its operation. They have merely become, as regards the Hottentots, *responsible masters*, instead of being *irresponsible despots*—a change not less beneficial to themselves than to their dependants. And, in fact, the case of the Hottentots clearly demontrates how greatly it would be for the benefit of the white inhabitants of the Cape, if the emancipation from unrequited and coercive labor, which has been conferred on the the 30,000 Hottentots, were forthwith extended to the 35,000 slaves of that colony. No one who knows the circumstances of the settlement can entertain the slightest doubt of the *entire safety* of such a measure. A residence of many years there enables the writer of this article to speak on this point with some confidence.

* In their journals, '*De Zuid Afrikaan*,' '*De Verzaamelar*,' '*The Colonist*,' &c. &c., now before us.

We leave this case of *speedy emancipation* for the consideration of those who apprehend that the Negro slaves of the West Indies, if *speedily* emancipated, will be necessarily thrown into a state of entire social disorganization. The Hottentots of the Cape, with the exception of the few who had been instructed at the missionary institutions, were assuredly not *more* civilized in 1828, than the Negroes of Jamaica. In the remote districts, the former were in fact immersed in the thick darkness of heathen barbarism and servile degradation. Yet the change in their civil condition neither released them from the necessity of labor nor roused them to deeds of plunder and violence. Why should we anticipate a different result in the case of the West India Negroes? Those who know them best, the persecuted missionaries, fear no such result. Let us do justice, and show mercy; and with a few simple and judicious regulations, such as the circumstances of the case will suggest to the Legislature, this great problem may soon be (with the blessing of God's good providence) solved with a celerity and a facility that will probably astonish those not a little who have permitted their apprehensions to be excited by the absurd clamors and fallacious representations of the planters and their advocates.

Another great step has been recently taken in the case of the Hottentots. A considerable number have been raised to the rank of landholders, by having lands allotted to them by Government; and the success of this experiment has been such that a short statement of the facts will, we feel assured, not a little gratify the friends of the African race.

THE REIGN OF PREJUDICE.

We copy from the Unionist a communication with the foregoing title, dated Middletown, Conn., Oct. 5, 1833. It requires no commentary of ours.

> Is this my country!
> The wonder and the envy of the world?
> Oh for a mantle! to conceal her shame!
> But why conceal it—if *Patriotism* cannot hide
> The ruin which her guilt will surely bring
> ——————If unrepented? WILCOX.

The following facts may serve to illustrate the degree of importance to be attached to the boastful declaration, that the 'academies, high-schools, and colleges,' are accessible to the colored man.

Less than a year since a colored student, of the name of Ray, was driven, (with his own consent,) from the halls of the Wesleyan University, by the management of the sons of southern menstealers, and a few northern 'dough-faces,' to use an appropriate simile. This was done, let it be remembered, in punishment of no blacker crime than a dark skin. His moral character is believed to be irreproachable. He was, and is, a regularly approved preacher of the Methodist order.

At a later period, a son of J. C. Beman, pastor of the African Church in this city, every other avenue of instruction being closed against him, and he being, withal, deeply desirous of intellectual cultivation, availed himself of the assistance of a student at the University, for which purpose he unobtrusively visited his room, once or twice a day. The 'chivalrous' and high-minded southerners, being offended, (as we suppose,) by the presence of even one drop of black blood, though, in this instance, coupled with a skin white as their own; and finding that personal insults and indignities were insufficient to arrest the 'even tenor of his way,' resorted to the high-handed measure, not obscurely hinted at, in the following letter. The letter was taken from the office by the father of the young man. It was written in a feigned hand, and addressed to 'Beman junior (The Post Master will please forward this as soon as possible.)

'Young Beman,

A no. of the students of this University deeming it derogatory to themselves as well as the University, to have you and other colored people recite here, do hereby warn you to desist from such a course, and if you fail to comply with this peaceable request, we swear by the ETERNAL GODS! that we will resort to *forcible* means to put a stop to it. TWELVE OF US.'

'Wesleyan University.'

The President being absent, the letter was laid before two of the Professors. One with a significant toss of the head, 'passed by on the other side.' The other stated, that bating the profanity, it expressed the sense of a by-law enacted by the board of trustees, at their last meeting. By subsequent inquiry, we have learned it to be even so! The resolution was moved and supported by Colonizationists. That ardent Colonizationists should act thus, excites no wonder: it is in exact accordance with the policy of the society. But that men in their sober senses should act thus, is surprising. They must sadly underrate the moral sense of New-England to suppose that such records of their narrow-mindedness can exist with impunity to the college. It must eventually if not immediately recoil upon its own head.

We trust the project for the colored man's College will soon be matured, although it would not in the least astonish the writer, should it meet the determined opposition of those colleges which exclude them from their own walls. It is now 'amalgamation,' 'twill then be 'separation.' VERITAS.

The Providence Anti-Slavery Society held its first annual meeting on the 8th inst., in a spirited and an effective manner.

WHAT IS MEANT BY IMMEDIATE EMANCIPATION?

The answer to this question given below, is one published by the Anti-Slavery party in England.

'The right of property in man must be entirely and for ever extinguished. No third party must be allowed to interfere between man and his Maker. Freedom of conscience, and personal liberty, without which freedom of conscience cannot exist, must be secured upon solid foundations. That accountableness to himself which the Creator has imposed upon every created being must not be controlled by any human power. This, in our view, implies the removal of every restraint upon liberty, *not essential to the well-being of society;* but it is not inconsistent with the rigorous enforcement of every obligation which members of society owe to each other. We therefore insist upon the necessity of substituting for the present authority of the master, a system of legal constraint, of equal, if not superior vigor; and of maintaining that system by regulations of police as severe as the case may require. In a word, we would abolish slavery, but we would establish law. We would supersede the private cart-whip, and replace it by the magisterial tread-mill. The magistrate, and not the irresponsible owner, must be the judge of what shall constitute offence; and a jury, not an overseer, must pronounce whether such offence has been committed. The protection, as well as the punishment of law, must also be administered by authority equally removed from suspicion. Any man who can object to immediate abolition, thus explained, is unconscious and grossly ignorant of the privileges which he himself, as an Englishman, enjoys.'

NEW ANTI-SLAVERY SOCIETY.

The Liberator of Nov. 2, mentions the formation of a new Anti-Slavery Society, at Pittsburgh, in Pennsylvania. We have not yet been informed of the names of its officers.

SPIRIT OF LIBERTY.

'Hail to thee, Albion! who meet'st the commotion
Of Europe, as calm as thy cliffs meet the foam;
With no bond but the law, and no slave but the ocean,
Hail, temple of liberty—thou art my home!'
MOORE.

SPIRIT of Liberty! where dost thou dwell?
'Here, where the children of liberty smile,
High on the mountain, and low in the dell,
Wide on the billows that circle your isle.
Ages on ages, the nations have known,
Wave-girdled Britain is Liberty's throne.'

Spirit of Liberty! deep in my soul
Kindles a rapture, inspired by thy breath;
Luminous birthright that none may control,
Glowing in life, it will glimmer in death;
Poverty, sickness, and sorrow, in vain
Smite on my bosom, so thou but remain.

Spirit of Liberty! dost thou not ride
Joyous and light, on the breezes at morn—
Over my footpath invisibly glide—
Laugh, from my cot, the oppressor to scorn?
Borne on my charger, so buoyant and free,
Liberty! swells not my bosom with thee?

Spirit of Liberty! fain would I pay
Homage befitting the lip of the brave,
Gem of Creation!—'Bold freeman, away!
Rend off the rivets that fetter thy slave!
Gallant and grateful, go, build me a shrine,
Westward afar, in the isles that are thine.'

Spirit of Liberty!—'Boaster, refrain!
Give me the homage that speaks by a deed—
Hands so ensanguined with cruelty's stain,
Lips for the captive declining to plead,—
These are my scorn, my abhorrence, and shame—
A blast and a blight on fair Liberty's name!'
CHARLOTTE ELIZABETH.

BRITAIN.

'THE LIBERTY SHE LOVES SHE WILL BESTOW.'

Shall Britain, where the soul of Freedom reigns,
Forge chains for others, which herself disdains?
Forbid it, Heaven!—O let the nations know,
The liberty she loves, she will bestow;
Not to herself the glorious gift confined,
She spreads the blessing wide as human kind,
And, scorning narrow views of time and place,
Bids all be free in earth's extended space.
What page of human annals can record
A deed so bright as human rights restored!
O may that God-like deed, that shining page,
Redeem *our* fame, and consecrate *our* age!
HANNAH MORE.

The Treasurer of the New-England Anti-Slavery Society acknowledges the receipt of the following donations, viz.

Wm. Oakes, Ipswich			15 00
Friend from England			15 00
Legacy in part by the late John Kenrick			150 00
Ladies in Boston to constitute Miss Prudence Crandall a life member			15 37
Young men in Boston to constitute Miss Susan Paul a life member			15 00
Mr Campbell of Charlestown			2 00
Daniel Gregg, Esq. of Boston			15 00
Collection in Rev. Mr Lee's Society, Shelburne			14 00
do. in Boylston Hall			9 12
do. in Vermont, by Osborn S. Murray, agent, viz.			
Amzi Jones			5 00
Caleb Hill			5 00
Matthew W. Birchard			5 00
A Friend			5 00
Ichabod Higgins			5 00
Moses Munger			50
Augusta Munger			1 00
Joseph Simonds			2 00
Selah Murray			1 00
Charles E. Tiffany			1 00
Wm. H. French			2 00
Otis Whitney			50
Sally Whitney			50
Hannah Green			50
Diana Ray			25
Emery Hills			1 00
David A. Murray			50
Myron Jewell, 25	Friends, 75		1 00
Isaac Sweat, 75	Rosetta Ray, 25		1 00
Collection in Hinesbury			4 25
do. in Montpelier			4 95
do. in Bridport			2 00
	Total		$299 44

JAMES C. ODIORNE, *Treasurer.*